

Proposed Jury Instruction No. 18

Habit

You have heard evidence of the Plaintiff's ordinary habit in operating his bicycle. Evidence of the habit of a person, if believed, is evidence that a person's conduct on a particular occasion was in conformity with that particular habit.

Source: F.R.Ev. 404 and Maryland Rule 5-406

Proposed Jury Instruction No. 19

Inference of Visibility

You have heard evidence that the Defendant did not see the Plaintiff operating his bicycle on the date of the incident. An inference exists that when a person looks in the direction of an object which is clearly visible, the person sees the object. Accordingly, if you believe the Plaintiff was clearly visible, evidence that the Defendant failed to see the Plaintiff is evidence of negligence.

Proposed Jury Instruction No. 20

Duty of care when view obstructed or interfered with

A driver of a motor vehicle, in exercising reasonable care, shall use a high degree of caution, or to take increased precautions, where existing conditions interfere with his or her vision ahead of the vehicle. The driver's conduct in proceeding under such circumstances must be assessed by the standard of due care under all of the particular facts and circumstances of each case.

Source: Perlin Parking Co. v. Price, 247 Md. 475, 231 A.2d 702 (1967)
Maggitti v. Cloverland Farms Dairy, 201 Md. 528, 95 A.2d 81 (1953)
Goldman v. Johnson Motor Lines, 192 Md. 24, 63 A.2d 622 (1949)
Peoples Drug Stores v Windham, 178 Md. 172, 12 A.2d 532 (1940)

Proposed Jury Instruction No. 20